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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,544	03/11/2004	Kevin S. Richman	16947	7820

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EXAMINER


PETRAVICK, MEREDITH C

ART UNIT PAPER NUMBER

3671

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,544	Applicant(s) RICHMAN ET AL. 	
	Examiner Meredith C Petravick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 and 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 contains the limitation “an elevation sufficiently lower.” It is unclear what applicant considers sufficient. Therefore, the scope of the claim is unclear.

Claim 1 contains, the limitation “the extension will be oriented an be to extend in a downward direction.” This limitation is unclear.

Claim 11, the clause “pivotable between a closed position in covering relation to an open side of the basket and an open position extending sidwardly from the basket.” It is unclear whether the object of this clause is the extension or the unloader door.

Claim 11, line 15, it is unclear what “therefrom” refers to.

Claim Rejections - 35 USC § 102

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 10-15, 20-25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meijer 6,478,523 in view of Covington et al. 6,682,417.

Meijer discloses a harvester having:

- A basket (4) having a compacting device (1) and an open side (figure 1)
- A door closing (14) an open side of the basket
- A door extension (15)

The door has a distal end, a proximal end and a cotton conveying surface with conveying elements (13). The door extension is pivotally attached to the distal end of the door and has an upper conveyor surface. In the open position the door extension extends downwardly from the door (figure 3). In the closed position, the door overlays the back of the cotton conveying surface on the door (figure 4).

However, the device in Meijer is a bale collector and not a cotton harvester.

Covington et al. discloses a harvester that also has a baling device attached with a folding discharge door. The harvester is a cotton harvester.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the harvesting device of Meijer a cotton harvester as in Covington et al., in order to increase the versatility of the device as to the type of harvesting.

Regarding 2-3, 5, 12-13, 15, 22-23 and 25, the upper surface of the extension extends downwardly at angle about 5 to 15 degrees (figure 3).

Regarding 4, 14 and 24, the upper surface of the extension has rollers (13).

Regarding 10, 20 and 30, the extension includes a frame with a plurality of L shaped members (18).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6-9, 16-19 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meijer in view of Covington et al. as applied to claims 5, 15 and 25 above, and further in view of Carney et al. 5,407,390.

The combination above discloses the claimed device except for the door and the extension having passive rollers instead of drivable belts. However, Meijer suggests that the rollers could be replaced by any other suitable means (Column 3, lines 48-50).

Like the combination, Carney et al. discloses a harvester with a basket that has a discharging door. The basket has two conveyors (100, 168) for discharging a bale. Unlike the combination, the conveyors in Carney et al. are driven belt conveyors. The conveyors are independently driven at different speeds (Column 5, lines 42-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the rollers of the combination with driven belts as in Carney et al., as one other known type of suitable means.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3671

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meredith C Petravick
Patent Examiner
Art Unit 3671

September 29, 2004